

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES FRANKLIN, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

CENTRAIS ELÉTRICAS BRASILEIRAS SA
- ELETROBRAS, JOSE COSTA CARVALHO
NETO, and ARMANDO CASADO DE
ARAÚJO,

Defendants

CITY OF PROVIDENCE, RHODE ISLAND,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiff,

v.

CENTRAIS ELÉTRICAS BRASILEIRAS SA
- ELETROBRAS, JOSE COSTA CARVALHO
NETO, ARMANDO CASADO DE ARAÚJO,
and JOSÉ ANTONIO MUNIZ LOPES,

Defendants

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

DOC#:
DATE FILED: 10/2/15

Case No.: 15-cv-5754-JGK

Case No.: 15-cv-6434-JGK

~~PROPOSE~~ ORDER GRANTING MOTION FOR CONSOLIDATION,
APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF SELECTION OF LEAD COUNSEL

WHEREAS, the Court has considered the motion for consolidation, appointment of
lead plaintiff, and approval of selection of lead counsel.

IT IS HEREBY ORDERED THAT:

I. CONSOLIDATION

1. The above-captioned actions are hereby consolidated for all purposed into one action pursuant to Federal Rule of Civil Procedure 42(a) and § 78u-4(a)(3)(B)(ii) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA").

2. These actions shall be referred to herein as the "Consolidated Action." This Order shall apply to the Consolidated Action and to each case that is subsequently filed in, transferred, or removed to this Court that relates to the same subject matter as in the Consolidated Action.

3. Every pleading in this Consolidated Action shall bear the following caption:

IN RE ELETROBRAS SECURITIES LITIGATION
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Case No.: 15-cv-5754-JGK

4. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Related To:." When the document applies to some, but not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To:," the docket number for each individual action to which the document applies, along with the name of the first-listed plaintiff in said action.

5. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing of or transfer of any case which might not properly be consolidated as part of this Consolidated Action.

II. MASTER DOCKET AND MASTER FILE

6. A Master Docket and Master File shall be established for the Consolidated Action. The Master File shall be No. 1:15-cv-5754-JGK. All orders, pleadings, motions, and other documents shall, when filed and docketed in the Master File, be deemed filed and

docketed in each individual case to the extent applicable. When an order, pleading, motion, or document filed with a caption indicating that it is applicable to fewer than all of the cases in the Consolidated Action, the Clerk shall file such pleadings in the Master File and note such filing in the Master Docket and in the docket of each action referenced.

III. NEWLY-FILED OR TRANSFERRED ACTIONS

7. When a case that arises out of the subject matter of this Consolidated Action is hereinafter filed in this Court or transferred to this Court from another court, the Clerk of this Court shall:

- (a) File a copy of this Order in the separate file for such action;
- (b) Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- (c) Make the appropriate entry in the Master Docket for this Consolidated Action.

8. Each new case that arises out of the subject matter of this Consolidated Action that is filed in this Court or transferred to this Court shall be consolidated with this Consolidated Action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, files an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

IV. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

9. Having reviewed all pending motions and accompanying memoranda of law, the Court hereby appoints City of Providence ("Providence") and Dominique Lavoie as Lead

Plaintiff. Providence and Mr. Lavoie satisfy the requirements for Lead Plaintiff pursuant to Section 21D(a)(3)(b)(iii) of the PSLRA. Lead Plaintiff, pursuant to Section 21D(a)(3)(b)(v) of the PSLRA, has selected and retained the law firms of Kaplan Fox & Kilsheimer LLP (“Kaplan Fox”) and Kahn Swick & Foti LLC (“KSF”) as Lead Counsel in this Consolidated Action. The Court hereby approves Providence and Mr. Lavoie’s selection of Kaplan Fox and KSF as Lead Counsel for the proposed class.

10. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- (a) to coordinate the briefing and argument of motions;
- (b) to coordinate the conduct of discovery proceedings;
- (c) to coordinate the examination of witnesses at depositions;
- (d) to coordinate the selections of counsel to act as a spokesman at pretrial conferences;
- (e) to call meetings of plaintiffs’ counsel as they deem necessary and appropriate from time to time;
- (f) to coordinate all settlement negotiations with counsel for defendants;
- (g) to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- (h) to supervise any other matters concerning the prosecutions, resolution, or settlement of the Consolidated Action.

11. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative

pleadings or discovery by plaintiffs. No settlement negotiations in the Consolidated Action shall be conducted without the approval of Lead Counsel.

12. Counsel in any related action that is consolidated with this Consolidated Action shall be bound by this organization of plaintiffs' counsel.

13. Lead Counsel shall have the responsibility for receiving and disseminating Court orders and notices.

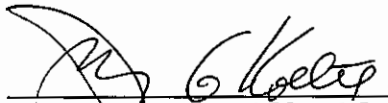
14. Lead Counsel shall be the contact between plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel.

15. Defendants shall effect service of papers on plaintiffs by serving a copy of same on Lead Counsel by overnight mail, electronic mail or hand delivery. Plaintiffs shall effect service of papers on defendants by serving a copy of same on defendants' counsel by overnight mail, electronic mail or hand delivery.

16. During the pendency of this litigation, or until further order of this Court, the parties shall take reasonable steps to preserve all documents within their possession, custody, or control, including computer-generated and stored information, and materials such as computerized data and electronic mail, containing information that is relevant to the subject matter of this pending litigation.

SO ORDERED

DATED: 10/1, 2015



THE HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE *tn*